



10-29-03

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TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Boyle et al.

Serial No.: 09/613,591

Group Art Unit No.: 1647

Filed: July 10, 2000

Examiner: Regina M. DeBerry #33

For: COMBINATION THERAPY FOR CONDITIONS
LEADING TO BONE LOSS

Docket No.: A-378CIP5

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON
FAILURE TO RECEIVE OFFICE ACTION MPEP 711.03(c) II**

Mail Stop Abandonment
Attention: Karen C. Carlson
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment dated September 30, 2003, Applicants respectfully state that the Office Action dated January 22, 2003 was never received. A search of our file jacket and our docket record indicates the last Office Action received and noted was dated June 4, 2002, for which a Response was filed on October 4, 2002. Enclosed is a copy of the file jacket and docket records reflecting that the Office communication in question was not received.

Please charge Deposit Account No. 01-0519 in the amount of \$130.00, which would cover the Petition. The Commissioner is hereby authorized to charge any additional fees, which may be required to the Deposit Account No. 01-0519. An original and two copies of this paper are enclosed.

Applicants request favorable action on this petition and remailing of the January 22, 2003 Office Action.

10/31/2003 DTESSEM1 00000009 010519 09613591
01 FC:1460 130.00 DA

Please send all future correspondence to:
US Patent Operations/ [TJG]
Dept. 4300, M/S 27-4-A
AMGEN INC.
One Amgen Center Drive
Thousand Oaks, California 91320-1799

Respectfully submitted,

Timothy J. Gatz
Attorney/Agent for Applicants
Registration No.: 33,111
Phone: (805) 447-2688
Date: Oct. 27, 2003

EXPRESS MAIL CERTIFICATE

"Express Mail" mail labeling number: EV352489052US Date of Deposit: October 27, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Lynne Buchsbaum
Printed Name

Lynne Buchsbaum
Signature

NOV 07 2003

OCT 27 2003

Combination Therapy For Conditions Leading To Bone Loss

TECH CENTER 160A/2980
DISCLOSURE NO. **A-3**

A-378 CIP.

SERIAL NO. 09/613591 FILED July 10, 2000 ALLOWED _____

PATENT NO. _____ ISSUED _____ FINAL FEE DUE _____

TERM _____ APPEAL NO. _____

LICENSE AGREEMENT DATED _____ INTERFERENCE NO. _____

COMPANY _____

ASSIGNEE Amgen Inc.

EXECUTED 10/16/00 RECORDED 3/6/01 REEL 011607 FRAME 0444

INVENTOR(S) _____

RELATED CASES CIP of A-378 CIP4(09-457,642) filed 12-9-99

CIP of A-378 (08-577,788) filed 12-22-95

[illegible]

MAJOR GENERAL

378CIP5 Leading To Bone Loss

List of Diary Dates for: TJG

U.S. DOCKET

Feb 20 2003

| <u>Due Date</u> | <u>File Docket #</u> | <u>Country</u> | <u>Resp Persons</u> | <u>Appln. No.</u> | <u>Appln. Date</u> | <u>Diary Matter</u> |
|-----------------|----------------------|----------------|-------------------------|-------------------|--------------------|----------------------|
| Jun 23 2002 | A-690 | US | 1 TJG | 09/840,669 | Apr 23 2001 | First OA Received? |
| Sep 03 2002 | S-073K | US | 1 TJG 2 MCDON NEL | 09/898,234 | Jul 03 2001 | First OA Received? |
| Sep 03 2002 | S-073J | US | 1 TJG 2 MCDON NEL | 09/899,422 | Jul 03 2001 | First OA Received? |
| Dec 02 2002 | A-730 | US | 1 TJG | 09/969,739 | Oct 02 2001 | First OA Received? |
| Dec 20 2002 | A-800 | US | 1 TJG 2 MCDON NEL | 10/251,947 | Sep 20 2002 | File IDS Declaration |
| Dec 29 2002 | A-731 | US | 1 TJG | 10/011,931 | Oct 29 2001 | First OA Received? |
| Dec 29 2002 | A-268T | US | 1 TJG 2 DUNLAP | 10/039,729 | Oct 29 2001 | First OA Received? |
| Jan 22 2003 | A-673A | US | 1 TJG 2 FINNEG AN | 09/803,918 | Mar 13 2001 | 3M Response to OA |
| Jan 28 2003 | A-527 | US | 1 TJG | 09/428,082 | Oct 22 1999 | 3M Response to OA |
| Mar 31 2003 | A-430F | US | 1 TJG | 09/907,263 | Jul 17 2001 | 3M Response to OA |



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List of Diary Dates for: TJG

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Feb 20 2003

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|-----------------|----------------------|----------------|-------------------------|-------------------|--------------------|---------------------|
| Apr 14 2003 | A-693 | US | 1 TJG | 09/847,249 | May 02 2001 | 3M Response to OA |
| Apr 22 2003 | A-673A | US | 1 TJG 2 FINNEG AN | 09/803,918 | Mar 13 2001 | 6M Response to OA |
| Apr 28 2003 | A-527 | US | 1 TJG | 09/428,082 | Oct 22 1999 | 6M Response to OA |
| May 03 2003 | A-365G | US | 1 TJG 2 FINNEG AN | 09/784,623 | Feb 15 2001 | 3M Response to OA |
| May 07 2003 | A-268G | US | 1 TJG 2 DUNLAP | 08/278,551 | Jul 21 1994 | Maintenance fee |
| Jun 24 2003 | S-050H | US | 1 TJG 2 FINNEG AN | 07/506,522 | Apr 06 1990 | Maintenance fee |
| Jun 30 2003 | A-430F | US | 1 TJG | 09/907,263 | Jul 17 2001 | 6M Response to OA |
| Jul 13 2003 | A-743 | US | 1 TJG | 10/145,206 | May 13 2002 | First OA Received? |
| Jul 14 2003 | A-693 | US | 1 TJG | 09/847,249 | May 02 2001 | 6M Response to OA |
| Aug 03 2003 | A-365G | US | 1 TJG 2 FINNEG AN | 09/784,623 | Feb 15 2001 | 6M Response to OA |

List of Diary Dates for TJG

U.S. DOCKET

Mar 12 2003

| <u>Due Date</u> | <u>File Docket #</u> | <u>Country</u> | <u>Resp Persons</u> | <u>App'n. No.</u> | <u>App'n. Date</u> | <u>Diary Matter</u> |
|-----------------|----------------------|----------------|-------------------------|-------------------|--------------------|----------------------------------|
| Sep 03 2002 | S-073K | US | 1 TJG 2 MCDON NEL | 09/898,234 | Jul 03 2001 | First OA Received? |
| Sep 03 2002 | S-073J | US | 1 TJG 2 MCDON NEL | 09/899,422 | Jul 03 2001 | First OA Received? |
| Dec 02 2002 | A-730 | US | 1 TJG | 09/969,739 | Oct 02 2001 | First OA Received? |
| Dec 20 2002 | A-800 | US | 1 TJG 2 MCDON NEL | 10/251,947 | Sep 20 2002 | File IDS Declaration |
| Dec 29 2002 | A-268T | US | 1 TJG 2 DUNLAP | 10/039,729 | Oct 29 2001 | First OA Received? |
| Dec 29 2002 | A-731 | US | 1 TJG | 10/011,931 | Oct 29 2001 | First OA Received? |
| Jan 22 2003 | A-673A | US | 1 TJG 2 FINNEG AN | 09/803,918 | Mar 13 2001 | 3M Response to OA |
| Mar 28 2003 | S-210C | US | 1 TJG | 08/259,413 | Jun 14 1994 | IF REVIVED, FILE DIVISIONAL ASAP |
| Mar 31 2003 | S-050N | US | 1 TJG 2 FINNEG AN | 08/468,425 | Jun 07 1995 | Formal Drawings |
| Mar 31 2003 | A-430F | US | 1 TJG | 09/907,263 | Jul 17 2001 | 3M Response to OA |

List of Diary Dates for: TJG

U.S. DOCKET

Mar 12 2003

| <u>Due Date</u> | <u>File Docket #</u> | <u>Country</u> | <u>Resp Persons</u> | <u>Appln. No.</u> | <u>Appln. Date</u> | <u>Diary Matter</u> |
|-----------------|----------------------|----------------|-------------------------|-------------------|--------------------|-----------------------------|
| Apr 06 2003 | A-731 | US | 1 TJG | 10/011,931 | Oct 29 2001 | Amdt to Publication Due |
| Apr 13 2003 | A-693 | US | 1 TJG | 09/847,249 | May 02 2001 | Amdt to Publication Due |
| Apr 14 2003 | A-693 | US | 1 TJG | 09/847,249 | May 02 2001 | 3M Response to OA |
| Apr 22 2003 | A-673A | US | 1 TJG 2 FINNEG AN | 09/803,918 | Mar 13 2001 | 6M Response to OA |
| Apr 30 2003 | S-050N | US | 1 TJG 2 FINNEG AN | 08/468,425 | Jun 07 1995 | Issue Fee Due |
| May 03 2003 | S-050O | US | 1 TJG | 08/482,283 | Jun 07 1995 | 3M RESPONSE TO FINAL ACTION |
| May 03 2003 | A-365G | US | 1 TJG 2 FINNEG AN | 09/784,623 | Feb 15 2001 | 3M Response to OA |
| May 07 2003 | A-268G | US | 1 TJG 2 DUNLAP | 08/278,551 | Jul 21 1994 | Maintenance fee |
| May 21 2003 | A-415H | US | 1 TJG 2 MCDON NEL | 09/882,735 | Jun 15 2001 | 3M Response to OA |
| May 26 2003 | A-688A | US | 1 TJG | 09/840,277 | Apr 23 2001 | 3M Response to OA |